

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARK G. BRALLEY,**

**Plaintiff,**

**v.**

**No. 13-cv-0768 JB/SMV**

**ALBUQUERQUE PUBLIC SCHOOLS BD. OF EDUC.,  
ROBERT LUCERO, DAVID ROBBINS,  
PAULA MAES, MARTIN ESQUIVEL,  
KATHERINE KORTE, ALBUQUERQUE PUBLIC  
SCHOOLS, WINSTON BROOKS, BRADLEY WINTER,  
MONICA ARMENTA, RIGO CHAVEZ,  
JOHN MILLER, STEVE TELLEZ, STEVE GALLEGOS,  
and ALBUQUERQUE PUBLIC SCHOOLS POLICE DEP'T,**

**Defendants.**

**ORDER DENYING AS MOOT  
DEFENDANTS' MOTION TO STRIKE**

THIS MATTER is before the Court on Defendants' Motion to Strike Plaintiff's Opposition to Defendants' Reply in Opposition to Plaintiff's Untimely Response to Defendants' Motion to Dismiss Nos. IV and V [Doc. 112], filed on July 29, 2015. Being fully advised in the premises, the Court will deny the motion as moot.

Defendants filed two motions to dismiss on May 11, 2015. [Docs. 94, 95]. In Proposed Findings and Recommended Dispositions on those motions, which have been entered concurrently herewith, the Court found that Plaintiff's responses to the motions to dismiss [Docs. 102, 103] were untimely filed and would not be considered. Similarly, the Court has not considered Defendants' replies [Docs. 105, 106] or Plaintiff's surreply [Doc. 110]. Because the

Court is not considering the surreply [Doc. 110] that Defendants move to strike, their motion is moot.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendants' Motion to Strike Plaintiff's Opposition to Defendants' Reply in Opposition to Plaintiff's Untimely Response to Defendants' Motion to Dismiss Nos. IV and V [Doc. 112] is **DENIED as moot.**

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**